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25 TEXTRON INC.

26 **UNITED STATES DISTRICT COURT**

27 **SOUTHERN DISTRICT OF CALIFORNIA**

28 SHANNON LEGHART, an individual,

v.
29 Plaintiff,

30 v.
31 TEXTRON INC., a Delaware corporation;
32 E-Z-GO GOLF CARS, a Textron
33 company; and DOES 1 through 50,
34 inclusive,

35 Defendants.

} Case No. 3:14-CV-01226-BAS-JMA

} **DEFENDANT TEXTRON INC.'S:
NOTICE OF MOTION AND
MOTION FOR PARTIAL
SUMMARY JUDGMENT
ON PUNITIVE DAMAGES**

} **Hearing Date:**
36 **Time** 10:30 a.m.
37 **Courtroom:** 4B
38 **Judge** Cynthia Ann Bashant
39 **Trial Date:** July 5, 2016

} **NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

1 **TO: PLAINTIFF SHANNON LEGHART AND HER ATTORNEYS OF
2 RECORD:**

3 PLEASE TAKE NOTICE that at 10:30 a.m. on a date to be determined by the
4 Court, or as soon thereafter as the matter may be heard before the Honorable Cynthia
5 Ann Bashant in Courtroom 4B of the United States District Court, Southern District of
6 California, located at 221 West Broadway, San Diego, California, defendant Textron Inc.
7 ("Textron") will and hereby does move the Court for an order granting partial judgment
8 in its favor and against Plaintiff Shannon Leghart on Plaintiff's claim for punitive
9 damages set forth in the Complaint For Compensatory and Punitive Damages filed on
10 April 10, 2014.

11 The Motion, made pursuant to Rule 56 of the Federal Rules of Civil Procedure
12 and case law interpreting that rule, will be made on the grounds that Plaintiff has no clear
13 and convincing evidence that Textron acted with the malice, oppression, or fraud required
14 to award of punitive damages under California Civil Code section 3294 and case law
15 interpreting that section.

16 The Motion will be based on this Notice; the Joint Memorandum of Points and
17 Authorities and Joint Declaration of Jeffrey A. Healy, including exhibits thereto, filed
18 and served herewith; the records and files herein; and on such additional evidence and
19 argument as may be presented at the time of hearing.

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21 DATED: January 8, 2016

TUCKER ELLIS LLP

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By:

Peggy S. Doyle
Attorneys for Defendant
TEXTRON INC.